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### REMARKS

Entry of this Amendment is proper because it narrows the issues on appeal and does not require further search by the Examiner. Claims 1-10, 12 and 14-23 are pending in this Application. Applicant has amended claims 16 and 17. No new matter is added.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 16 and 17 stand rejected under 35 U.S.C. § 101, as being directed to non-statutory subject matter. Applicant has amended the claims to address the Examiner's concerns.

Claims 1, 12, 14-17, and 22 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

Claims 1-7, 9, 10, 12, and 14-23 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morley et al. (WO 99/59335, and herein after "Morley") in view of Takamori (U.S. Pat. No. 5,287,186) and further in view of Brown et al. (U.S. Pat. No. 4,710,926, and hereinafter "Brown"). Claims 6, 10, 19, and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Morley in view of Takamori and further in view of Brown and Duso et al. (U.S. Pat. No. 5,892,915, and hereinafter "Duso").

Applicant respectfully traverses these rejections in the following discussion.

#### I. THE CLAIMED INVENTION

The claimed invention (e.g., as defined by exemplary claim 1) is directed to a digital content reproducing system.

The digital content reproducing system includes a movie company terminal which stores and manages a digital content of movies, a content delivery terminal in communication with the movie company terminal via a network, and a projecting system which is connected to the content delivery terminal via the network, receives the digital content from the content delivery terminal via the network, and reproduces the digital content to show a movie. The

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projecting system includes a reproducing device, and a backup reproducing device that includes an audio decoder and a video decoder that decodes digital content supplied from a mass memory unit while the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device directly to the video decoder of the backup reproducing device. The backup reproducing device starts processing the decoded digital content in synchronization with the predetermined signal when the reproducing device stops sending the predetermined signal. The backup reproducing device starts the decoding when the backup reproducing device receives the predetermined signal.

In a conventional a conventional reproducing system used in a movie theater, as described in the Background of the present Application, movie images recorded or shot on a film are generally projected or shown on a screen. Also, a movie sound is reproduced through a loudspeaker by outputting audio data stored in, for example, a CD-ROM (e.g., see Application at page 1, lines 10-13).

This process can cause numerous defects and noises to occur by repetition of copying in an analog method and reproducing operations, since the content including images recorded on the films are degraded each time when the film or an original film is repeatedly copied (e.g., see Application at page 1, lines 22-25).

The claimed invention, however, provides a digital content reproducing system, wherein the projecting system includes a reproducing device, and a backup reproducing device having an audio decoder and a video decoder that decodes digital content supplied from a mass memory unit, while the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device directly to the video decoder of to the backup reproducing device. The backup reproducing device starts the decoding when the backup reproducing device receives the predetermined signal (e.g., see Application at page 3, lines 1-11; page 10, lines 12-13; Figs. 6-7).

These features are important because with this arrangement, the reliability of all aspects of the content production, delivery, and presentation can be increased. The present invention also makes it easier to deal with the content and does not subject the content to the risk of degradation and/or damage (e.g., see Application at page 2, lines 3-8).

## II. 35 U.S.C. 101 REJECTION

In rejecting claims 16 and 17, the Examiner alleges that the claims are directed to

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non-statutory subject matter.

Applicant has amended the claims to address the Examiner's concerns, consistent with the Examiner's helpful suggestions.

Therefore, the Examiner is respectfully requested to reconsider and withdraw these rejections.

### III. 35 U.S.C. 112, SECOND PARAGRAPH REJECTION

In rejecting claims 1-10, 12, and 14-23, the Examiner alleges that the claim is indefinite for failing to particularly point out the subject matter.

The Examiner alleges that "*it appears in this cited passage that the decoding is occurring before the predetermined signal is received, as it occurs while the reproducing device is sending the signal*" (Office Action at page 4, lines 2-3).

Applicant respectfully submits that the claim language is clear, since it recites, "*a backup reproducing device having an audio decoder and a video decoder that decodes the digital content supplied from a mass memory unit, while the reproducing device periodically sends a first predetermined signal,*" as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

That is, the backup reproducing device decodes the content while it receives signal from the reproducing signal. However, to start the decoding process, the backup reproducing device should have received the first predetermined signal. Therefore, there is no contradiction between the first and second limitations of the claims.

Indeed, the claimed first predetermined signal is applied for the following two functions:

- a. to be received by the backup reproducing device to start the decoding, in a first place; and
- b. to be sent periodically from the reproducing device to the backup reproducing device.

The Examiner is referred to Fig. 7 of the present Application showing when the backup reproducing device 207 receives the TC, the device 207 starts decoding process (step A3) (e.g., see Application at page 10, lines 12-13). After that the decoding starts, the reproducing device 203 continuously sends the predetermined signal to the backup reproducing device 207 to continue decoding the content. Therefore, contrary to the

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Examiner's allegations, the claim language is clear.

Therefore, the Examiner is respectfully requested to reconsider and withdraw this rejection.

#### IV. THE PRIOR ART REJECTIONS

##### A. Morley, Takamori, and Brown references

In rejecting claims 1-7, 9, 10, 12, and 14-23, the Examiner alleges that one of ordinary skill in the art would have combined Morley with Takamori and Brown to render obvious the claimed invention. Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed invention.

That is, the alleged combination of Morley, Takamori, and Brown does not teach or suggest, "*the backup reproducing device starts the decoding when the backup reproducing device receives said first predetermined signal,*" (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

In rejecting independent claims 1, 12, 14, 15, 16, 17, and 22, the Examiner concedes that "*(t)he combination of Morley et al. and Takamori does not specifically teach that... wherein the backup reproducing device starts the decoding when the backup reproducing device receives said first predetermined signal,*" (e.g. see Office Action at page 6, lines 19-20). The Examiner relies on Brown for allegedly teaching the backup producing device.

Brown teaches the processor 61 that monitors all messages received by processor 62 and reproduces the computations of processor 62. When the active database processor 62 fails and it terminates the transmission of heartbeat messages, the standby database processor 61 will detect this condition and will subsequently assume the role of the active database processor (col. 9, lines 18-25; Fig. 3). Brown, further teaches that upon failing to receive heartbeat messages defining one of the logical identities defined in the status table, the at least one processor assumes such logical identity for performing the functions of a processor having that logical identity (col. 2, lines 19-24). This is different from, and fails to teach or suggest, "*the backup reproducing device starts the decoding when the backup reproducing device receives said first predetermined signal,*" (emphasis added by Applicant) as recited in

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claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

On the contrary, in the claimed invention, the backup reproducing device starts the decoding process after receiving the predetermined signal, as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

The Examiner is referred to the flowchart in Fig. 7 of the present Application showing the reproducing device 203 sends the predetermined signal (TC) in step A2 to the backup reproducing device 207, and then after receiving the predetermined signal, the backup reproducing device starts the decoding process in step A3 (e.g., see Application at page 10, lines 12-13).

Since the alleged processors of Brown start their operation independent of the alleged heartbeat, Brown fails to teach or suggest the claimed invention, which recites, "*the backup reproducing device starts the decoding when the backup reproducing device receives said first predetermined signal,*" (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

Indeed, the Examiner has failed to address this feature of the claimed invention. The Examiner refers to heartbeat transfer process of Brown, but fails to address where Brown teaches that the alleged backup processor starts decoding when it receives the alleged heartbeat (see Office Action at page 6, line 20 – page 7, line 6).

If the Examiner wishes to maintain this rejection, then Applicant requests the Examiner to show where the disclosure of Brown provides support for the Examiner's allegations. That is, the Examiner is specifically requested to point out the features of Brown (including reference number and specific passage) that the Examiner is analogizing to this features of the claimed invention.

Furthermore, Applicant submits that one with ordinary skills in the art would not have combined Morley with the teachings of Takamori and Brown.

Applicant submits that, is anything, Takamori actually teaches away from the claimed invention that recites, "*the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device, directly to the video decoder of the backup reproducing device,*" (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22.

Indeed, Takamori teaches that the self-diagnostic portions 9 supervise the operating status of the main and reserve blocks (see Office Action at page 6, lines 3-4; Takamori at col.

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2, lines 26-49; Fig. 1). Therefore, the alleged video processing does not send a predetermined signal directly to the video processor of the alleged backup system, as recited in the claimed invention. Indeed, Takamori teaches applying the self-diagnostic external controller 9 to analyze the operation of the main and backup systems.

Applying an external controller to control the operation of the main and backup video processing system, based on the teachings of Takamori, teaches away from the claimed invention that recites, "*the reproducing device periodically sends a first predetermined signal indicating progress of reproducing of the reproducing device, directly to the video decoder of the backup reproducing device,*" (emphasis added by Applicant) as recited in claim 1, and similarly recited in claims 12, 14, 15, 16, 17, and 22. Therefore, one with ordinary skills in the art would not have combined Morley with the teachings of Takamori.

Furthermore, Applicant submits that adding the teachings of Takamori and Brown to the device of Morley would change the principle of operation of Morley, since the references teach distinct systems that have different structures, are for different purposes, and perform in different environments.

Indeed, the Examiner attempts to pick and choose different elements and functions from the devices of Takamori and Brown to enable the non analogous device of Morley to have a structure similar to the claimed invention. Therefore, Applicant respectfully submits that the Examiner is improperly using the claimed invention as a roadmap and that one of ordinary skill in the art would not have combined the references as alleged by the Examiner.

Therefore, Applicant respectfully submits that one with ordinary skills in the art would not have combined Morley with Takamori and Brown, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

#### **B. Morley, Takamori, Brown, and Duso references**

In rejecting claims 16, 10, 19, and 20, the Examiner alleges that one of ordinary skill in the art would have combined Morley with Takamori, Brown, and Duso to render obvious the claimed invention. Applicant respectfully submits, however, that the references would not have been combined as alleged by the Examiner and that, even if combined, the alleged combination of references would not teach or suggest each and every feature of the claimed

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invention.

That is, the alleged combination of Morley, Takamori, Brown, and Duso does not teach or suggest, "*the backup reproducing device starts the decoding when the backup reproducing device receives said first predetermined signal*," (emphasis added by Applicant) as recited in independent claim 1.

Indeed, Morley, Takamori, and Brown, as set forth above in section A, fail to teach or suggest this feature of the claimed invention.

Moreover, Applicant submits that Duso fails to make up the deficiencies of Morley, Takamori, and Brown.

Duso teaches a heartbeat signal that conveys between a master controller server 29 and a slave server 28 (col. 50, lines 1-13; Fig. 2). Duso, however, teaches that the heartbeat signal is only for indicating whether or not the master controller server has any failure (col. 49, line 66 – col. 50, line 16). Duso, however, fails to teach or suggest that the heartbeat starts a decoding process, as claimed in the claimed invention.

Indeed, the Examiner does not even allege that Duso teaches or suggests this feature. The Examiner merely relies on Duso for allegedly teaching the second predetermined signal (e.g., see. Office Action at page 10, lines 9-14).

Since Duso does not overcome the deficiencies of Morley, Takamori, and Brown, the combination of references fails to render the rejected claims obvious.

Furthermore, Applicant submits that one with ordinary skills in the art would not have combined Morley with the teachings of Takamori, Brown, and Duso.

That is, adding the teachings of Takamori, Brown, and Duso to the device of Morley would change the principle of operation of Morley, since the references teach distinct systems that have different structures, are for different purposes, and perform in different environments.

Indeed, the Examiner attempts to pick and choose different elements and functions from the devices of Takamori, Brown, and Duso to enable the non analogous device of Morley to have a structure similar to the claimed invention. Therefore, Applicant respectfully submits that the Examiner is improperly using the claimed invention as a roadmap and that one of ordinary skill in the art would not have combined the references as alleged by the Examiner.

Therefore, Applicant respectfully submits that one with ordinary skills in the art

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would not have combined Morley with Takamori, Brown, and Duso, and even if combined, the alleged combination does not teach or suggest (or render obvious) each and every feature of the claimed invention. Therefore, Applicant respectfully requests the Examiner to reconsider and withdraw this rejection.

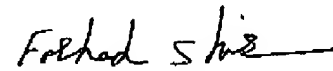
**V. FORMAL MATTERS AND CONCLUSION**

In view of the foregoing, Applicant submits that claims 1-10, 12, and 14-23, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

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I hereby certify that I am filing this paper via facsimile, to Group Art Unit 2623, at  
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Respectfully Submitted,

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